

§ 6708. Biomass energy demonstration projects

The Secretary, in consultation with the Secretary of Energy, may carry out projects that demonstrate the potential of short-rotation silvicultural methods to produce wood for electricity production and industrial energy needs. In carrying out such projects, the Secretary shall cooperate with private industries, Federal and State agencies, and other organizations.

(Pub. L. 101-624, title XXIV, § 2410, Nov. 28, 1990, 104 Stat. 4061.)

§ 6709. Interagency cooperation to maximize biomass growth

The Secretary may enter into an agreement with the Secretary of Defense to—

(1) conduct a study of reforestation and improved management of Department of Defense military installations and lands; and

(2) develop a program to manage such forests and lands so as to maximize their potential for biomass growth and sequestering carbon dioxide.

(Pub. L. 101-624, title XXIV, § 2411, Nov. 28, 1990, 104 Stat. 4062.)

§ 6710. Authorization of appropriations

There are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1991 through 1997, to carry out this chapter.

(Pub. L. 101-624, title XXIV, § 2412, Nov. 28, 1990, 104 Stat. 4062; Pub. L. 104-127, title VIII, § 843, Apr. 4, 1996, 110 Stat. 1170.)

AMENDMENTS

1996—Pub. L. 104-127 substituted “1997” for “1996”.

CHAPTER 97—FRESH CUT FLOWERS AND FRESH CUT GREENS PROMOTION AND INFORMATION

- | | |
|-------|--|
| Sec. | |
| 6801. | Findings and declaration of policy. |
| | (a) Findings. |
| | (b) Policy and purpose. |
| 6802. | Definitions. |
| 6803. | Issuance of orders. |
| | (a) In general. |
| | (b) Procedures. |
| | (c) Amendments. |
| 6804. | Required terms in orders. |
| | (a) In general. |
| | (b) PromoFlor Council. |
| | (c) General responsibilities of PromoFlor Council. |
| | (d) Budgets; plans and projects. |
| | (e) Contracts and agreements. |
| | (f) Books and records of PromoFlor Council. |
| | (g) Control of administrative costs. |
| | (h) Assessments. |
| | (i) Prohibition. |
| | (j) Books and records; reports. |
| | (k) Consultations with industry experts. |
| | (l) Other terms of order. |
| 6805. | Exclusion; determinations. |
| | (a) Exclusion. |
| | (b) Making determinations. |
| 6806. | Referenda. |
| | (a) Requirement for initial referendum. |
| | (b) Votes permitted. |

- | | |
|-------|--|
| Sec. | |
| | (c) Suspension or termination referenda. |
| | (d) Suspension or termination. |
| | (e) Manner of conducting referenda. |
| 6807. | Petition and review. |
| | (a) Petition and hearing. |
| | (b) Review. |
| | (c) Enforcement. |
| 6808. | Enforcement. |
| | (a) Jurisdiction. |
| | (b) Referral to Attorney General. |
| | (c) Civil penalties and orders. |
| | (d) Review by district court. |
| | (e) Failure to obey order. |
| | (f) Failure to pay penalty. |
| | (g) Additional remedies. |
| 6809. | Investigations and power to subpoena. |
| | (a) Investigations. |
| | (b) Subpoenas, oaths, and affirmations. |
| | (c) Aid of courts. |
| 6810. | Confidentiality. |
| | (a) Prohibition. |
| | (b) Penalty. |
| | (c) Additional prohibition. |
| | (d) Withholding information from Congress prohibited. |
| 6811. | Authority for Secretary to suspend or terminate order. |
| 6812. | Construction. |
| | (a) Termination or suspension not an order. |
| | (b) Producer rights. |
| | (c) Other programs. |
| 6813. | Regulations. |
| 6814. | Authorization of appropriations. |
| | (a) In general. |
| | (b) Administrative expenses. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 7401 of this title.

§ 6801. Findings and declaration of policy**(a) Findings**

Congress finds that—

(1) fresh cut flowers and fresh cut greens are an integral part of life in the United States, are enjoyed by millions of persons every year for a multitude of special purposes (especially important personal events), and contribute a natural and beautiful element to the human environment;

(2)(A) cut flowers and cut greens are produced by many individual producers throughout the United States as well as in other countries, and are handled and marketed by thousands of small-sized and medium-sized businesses; and

(B) the production, handling, and marketing of cut flowers and cut greens constitute a key segment of the United States horticultural industry and thus a significant part of the overall agricultural economy of the United States;

(3) handlers play a vital role in the marketing of cut flowers and cut greens in that handlers—

(A) purchase most of the cut flowers and cut greens marketed by producers;

(B) prepare the cut flowers and cut greens for retail consumption;

(C) serve as an intermediary between the source of the product and the retailer;

(D) otherwise facilitate the entry of cut flowers and cut greens into the current of domestic commerce; and

(E) add efficiencies to the market process that ensure the availability of a much great-

er variety of the product to retailers and consumers;

(4) it is widely recognized that it is in the public interest and important to the agricultural economy of the United States to provide an adequate, steady supply of cut flowers and cut greens at reasonable prices to the consumers of the United States;

(5)(A) cut flowers and cut greens move in interstate and foreign commerce; and

(B) cut flowers and cut greens that do not move in interstate or foreign channels of commerce but only in intrastate commerce directly affect interstate commerce in cut flowers and cut greens;

(6) the maintenance and expansion of markets in existence on December 14, 1993, and the development of new or improved markets or uses for cut flowers and cut greens, are needed to preserve and strengthen the economic viability of the domestic cut flowers and cut greens industry for the benefit of producers, handlers, retailers, and the entire floral industry;

(7) generic programs of promotion and consumer information can be effective in maintaining and developing markets for cut flowers and cut greens, and have the advantage of equally enhancing the market position for all cut flowers and cut greens;

(8) because cut flowers and cut greens producers are primarily agriculture-oriented rather than promotion-oriented, and because the floral marketing industry within the United States is comprised mainly of small-sized and medium-sized businesses, the development and implementation of an adequate and coordinated national program of generic promotion and consumer information necessary for the maintenance of markets in existence on December 14, 1993, and the development of new markets for cut flowers and cut greens have been prevented;

(9) there exist established State and commodity-specific producer-funded programs of promotion and research that are valuable efforts to expand markets for domestic producers of cut flowers and cut greens and that will benefit from the promotion and consumer information program authorized by this chapter in that the program will enhance the market development efforts of the programs for domestic producers;

(10) an effective and coordinated method for ensuring cooperative and collective action in providing for and financing a nationwide program of generic promotion and consumer information is needed to ensure that the cut flowers and cut greens industry will be able to provide, obtain, and implement programs of promotion and consumer information necessary to maintain, expand, and develop markets for cut flowers and cut greens; and

(11) the most efficient method of financing such a nationwide program is to assess cut flowers and cut greens at the point at which the flowers and greens are sold by handlers into the retail market.

(b) Policy and purpose

It is the policy of Congress that it is in the public interest, and it is the purpose of this

chapter, to authorize the establishment, through the exercise of the powers provided in this chapter, of an orderly procedure for the development and financing (through an adequate assessment on cut flowers and cut greens sold by handlers to retailers and related entities in the United States) of an effective and coordinated program of generic promotion, consumer information, and related research designed to strengthen the position of the cut flowers and cut greens industry in the marketplace and to maintain, develop, and expand markets for cut flowers and cut greens.

(Pub. L. 103-190, § 2, Dec. 14, 1993, 107 Stat. 2266.)

SHORT TITLE

Section 1(a) of Pub. L. 103-190 provided that: "This Act [enacting this chapter] may be cited as the 'Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act of 1993'."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 6803, 6811 of this title.

§ 6802. Definitions

As used in this chapter:

(1) Consumer information

The term "consumer information" means any action or program that provides information to consumers and other persons on appropriate uses under varied circumstances, and on the care and handling, of cut flowers or cut greens.

(2) Cut flowers and cut greens

(A) In general

(i) Cut flowers

The term "cut flowers" includes all flowers cut from growing plants that are used as fresh-cut flowers and that are produced under cover or in field operations.

(ii) Cut greens

The term "cut greens" includes all cultivated or noncultivated decorative foliage cut from growing plants that are used as fresh-cut decorative foliage (except Christmas trees) and that are produced under cover or in field operations.

(iii) Exclusions

The terms "cut flowers" and "cut greens" do not include a foliage plant, floral supply, or flowering plant.

(B) Substantial portion

In any case in which a handler packages cut flowers or cut greens with hard goods in an article (such as a gift basket or similar presentation) for sale to a retailer, the PromoFlor Council may determine, under procedures specified in the order, that the cut flowers or cut greens in the article do not constitute a substantial portion of the value of the article and that, based on the determination, the article shall not be treated as an article of cut flowers or cut greens subject to assessment under the order.

(3) Gross sales price

The term "gross sales price" means the total amount of the transaction in a sale of cut